IN THE UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF TEXAS HOUSTON DIVISION

Swinerton Builders,	§	
	§	
Plaintiff,	§	
	§	
	§	
v.	§	
	§	
Zurich American Insurance Company,	§	
Travelers Insurance Company, ACE	§	
American Insurance Company, Atlantic	§	CIVIL ACTION NO. 4:10-CV-01791
Casualty, Continental Western Insurance	§	
Company, Hartford Casualty Insurance	§	
Company, ACEA American Insurance	8	
Company and CNA Transportation	§	
Insurance Company, St. Paul Mercury	§	
Insurance Company & Amerisure Mutual	§	
Insurance Company,	8	
-	8	
Defendants.	§	
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Order Granting

Plaintiff Swinerton Builders' Motion for Partial Summary Judgment Against <u>Defendant Amerisure Mutual Insurance Co. on the Duty to Defend</u>

After considering Plaintiff Swinerton Builders' Motion for Partial Summary Judgment
Against Defendant Amerisure Mutual Insurance Co. on the Duty to Defend, the Court:

FINDS that Defendant Amerisure Mutual Insurance Co. owes a duty to defend to Plaintiff Swinerton Builders under Policy No. CPP 2003071 for the Policy Period of October 1, 2002, to October 1, 2003;

FINDS that Defendant Amerisure Mutual Insurance Co. owes a duty to defend to Plaintiff Swinerton Builders under Policy No. CPP 2003071 for the Policy Period of October 1, 2003, to October 1, 2004;

FINDS that Defendant Amerisure Mutual Insurance Co. owes a duty to defend to Plaintiff Swinerton Builders under Policy No. CPP 2003071 for the Policy Period of October 1, 2004, to October 1, 2005;

FINDS that a duty to defend was triggered by Plaintiff University of Houston System's Original, First Amended, Second Amended, Third Amended, and Fourth Amended Petitions in *University of Houston System v. Swinerton Builders, et al.*, Cause No. 2006-76157, in the 334th Judicial District Court of Harris County, Texas;

GRANTS Plaintiff Swinerton Builders' Motion for Partial Summary Judgment

Against Defendant Amerisure Mutual Insurance Co. on the Duty to Defend; and

GRANTS Plaintiff Swinerton Builders all other relief to which it is justly entitled.

SIGNED:	, 2011	
	Judge Kenneth M. Hoyt	

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